

REMARKS

In the application claims 2, 5, 6, 11-14, 61, 62, and 65-67 remain pending. Claims 1, 3, 4, 7-10, 15-60, 63, and 64 have been canceled. Certain of the pending claims have been amended to clarify what is regarded as the invention and to ensure proper antecedent bases. Support for the amendments may be found in the specification and figures as originally filed. No new matter has been added.

The pending claims presently stand rejected under 35 U.S.C. § 103 as being rendered obvious primarily in view of Janky as modified by the teachings of Sass (U.S. Patent No. 6,823,225) and Malladi (U.S. Patent No. 5,815,206). The reconsideration of the rejection is respectfully requested.

In response to the rejection it is respectfully submitted that none of Janky, Sass, or Malladi disclose, teach, or suggest at least the expressly claimed element “wherein flow of the subsequent portion of the digital media file from the server [via the local area network] is controlled so as to ensure that the volatile memory buffer is filled as the portion of the digital media file in the volatile memory is being converted.”

That Janky fails to disclose, teach, or suggest at least this expressly claimed element has been acknowledged in the Office Action.

Considering now Sass, it is respectfully submitted that Sass fails to specifically disclose, teach, or suggest at least this expressly claimed element. Rather than disclose this expressly claimed element, Sass, *in direct contrast to that which is claimed*, discloses a system in which the server merely flows portions of the digital media file without any regard being given to the status of any buffer memories. (Col. 5, lines 49-60). Accordingly, it is respectfully submitted that nothing from Sass, which teaches directly against the invention claimed when considered in

its entirety, can be said to teach or suggest modifying Janky to arrive at the invention claimed when the invention claimed is considered "as a whole."

Considering now Malladi, Malladi, like Sass, fails to specifically disclose, teach, or suggest at least this expressly claimed element. More particularly, Malladi, like Sass, discloses a system in which the server merely flows portions of the digital media file without any regard being given to the status of any buffer memories. (See Fig. 1B, element 100). Accordingly, it is respectfully submitted that nothing from Malladi, which teaches directly against the invention claimed when considered in its entirety, can be said to teach or suggest modifying Janky to arrive at the invention claimed when the invention claimed is considered "as a whole."

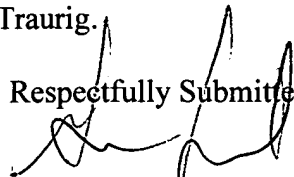
In sum, it is respectfully submitted that the disclosures within Janky, Sass, and Malladi are insufficient to support a *prima facie* case of obviousness. For at least this reason it is respectfully submitted that the rejection of the claims must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;



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